

JUDGE NATHALEEN CARDONE

IN THE UNITED STATES FEDERAL DISTRICT COURT

FOR THE WESTERN DISTRICT OF TEXAS

EL PASO DIVISION

FILED
2006 MAR 10 PM 1:50
CLERK OF COURT
NATHALEEN CARDONE
DEPUTY

YSLETA DEL SUR PUEBLO,

Plaintiff,

v.

No. _____

UNITED STATES DEPARTMENT
OF INTERIOR, and
BUREAU OF INDIAN AFFAIRS

Defendant.

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EP06CA0106

COMPLAINT FOR INJUNCTIVE RELIEF

TO THE HONORABLE JUDGE OF SAID COURT:

Comes Now Ysleta del Sur Pueblo ("Pueblo"), and files it Complaint against the United States Department of the Interior ("DOI") and its Bureau of Indian Affairs ("Bureau") and in support thereof would respectfully show unto the Court as follows:

1. This is an action under the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552, to order the production of agency records.
2. This Court has jurisdiction over this action, and venue is proper in this Court, pursuant to 5 U.S.C. § 552(a)(4)(B).
3. The Pueblo is a federally recognized Indian tribe whose reservation is

located in El Paso County, Texas.

4. The United States Department of the Interior is an agency of the United States, upon whom service may be made by serving its Secretary, Gale Norton, at 1849 C. Street, NW, Washington, D.C. 20240.

5. The Bureau of Indian Affairs is an agency of the United States Department of the Interior, upon whom service may be made by serving its Director, Brain Pogue, at 1849 C Street NW, Washington D.C. 20240.

6. By way of letter dated June 20, 2005, the Pueblo requested a copy of the report prepared by Dr. Hannah Norton of the Pueblo's land claims. A true and correct copy of the June 20, 2005 letter is attached as Exhibit 1.

7. The Bureau has possession of the document sought by the Pueblo.

8. By letter dated July 18, 2005, the Bureau denied the Pueblo's request on the ground that the document is exempt from disclosure under the exemption found at 5 U.S.C. §§ 552(b)(5). A true and correct copy of the July 18, 2005 letter is attached as Exhibit 2.

9. By letter dated August 26, 2005, the Pueblo appealed the denial of its request. A true and correct copy of the August 26, 2005 letter is attached as Exhibit 3.

10. By letter dated October 13, 2005, the FOIA Appeals Officer in the Office of the Solicitor in the United States Department of the Interior, informed the Pueblo

that the Department is unable to make a determination of the Pueblo's appeal within the times let's set out in 5 U.S.C. § 552(a)(6)(ii), and requested the Pueblo's forbearance in filing suit. A true and correct copy of the October 13, 2005 letter is attached as Exhibit 4.

11. By letter dated October 25, 2005, the Pueblo informed the FOIA Appeals Officer that the Pueblo would take no judicial action prior to February 1, 2006. An electronic duplicate of the October 25, 2005 letter is attached as Exhibit 5.

12. The Pueblo has a right of access to the requested information under 5 U.S.C. § 552(a)(3), and there is no legal basis for defendants denial of such access.

WHEREFORE, premises considered, the Ysleta del Sur Pueblo respectfully requests this Court:

(1) Order defendant to provide the Pueblo with a copy of the report prepared by Dr. Hannah Norton of the Pueblo's land claims;

(2) Award the Pueblo its costs and reasonable attorneys fees in this action, as provided in 5 U.S.C. § 552(a)(4)(E); and,

(3) Grant such other and further relief as it may deem just and proper.

Respectfully submitted,

DIAMOND & JACKSON
9241 Socorro Road
El Paso, Texas 799017

that the Department is unable to make a determination of the Pueblo's appeal within the times let's set out in 5 U.S.C. § 552(a)(6)(ii), and requested the Pueblo's forbearance in filing suit. A true and correct copy of the October 13, 2005 letter is attached as Exhibit 4.

11. By letter dated October 25, 2005, the Pueblo informed the FOIA Appeals Officer that the Pueblo would take no judicial action prior to February 1, 2006. An electronic duplicate of the October 25, 2005 letter is attached as Exhibit 5.

12. The Pueblo has a right of access to the requested information under 5 U.S.C. § 552(a)(3), and there is no legal basis for defendant's denial of such access.

WHEREFORE, premises considered, the Ysleta del Sur Pueblo respectfully requests this Court:

- (1) Order defendant to provide the Pueblo with a copy of the report prepared by Dr. Hannah Norton of the Pueblo's land claims;
- (2) Award the Pueblo its costs and reasonable attorneys fees in this action, as provided in 5 U.S.C. § 552(a)(4)(E); and,
- (3) Grant such other and further relief as it may deem just and proper.

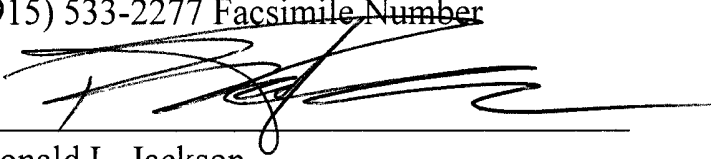
Respectfully submitted,

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(915) 533-2277 Office Number

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By:



Ronald L. Jackson

State Bar No.: 10494980